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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,739	10/05/2005	Paul E Radzinski	PDHO013-US	2560
21322	7590	03/28/2008		
MARK A OATHOUT 3701 KIRBY DRIVE, SUITE 960 HOUSTON, TX 77098			EXAMINER EDWARDS JR, TIMOTHY	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 03/28/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/511,739

Applicant(s)

RADZINSKI, PAUL E

Examiner

Timothy Edwards, Jr.

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 6, 7, 10, 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Chau et al US 6,655,464 (previously cited in PTO-892).

Considering claim 1, Chau discloses a measuring while drilling apparatus having a metal pipe work extending underground and connected to an antenna, wherein both the metal pipe work and the antenna are connected to a type of downhole equipment, whereby the antenna transmits/receives signals with a transceiver located on a surface (see col 28, lines 9-32 and col 30, lines 20-41); a) a plurality of wired drill pipe joined together to form the antenna and a section where the antenna is integral with the metal pipe work (see col 9, lines 57-67, col 25, lines 48-61, col 28, lines 50-58 and figs 24 and 25).

Considering claims 6, 10, 15 the limitations of these claims are interpreted and rejected as stated in claim 1.

Considering claim 7, Chau disclose the limitation of this claim (see col 26, line 53 to col 27, line 8).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, are rejected under 35 U.S.C. 103(a) as being unpatentable over Chau.

Considering claim 2, Chau discloses conductors use as an antenna. Chau does not specifically recite the length of the conductor used as an antenna. One of ordinary skill in the art readily recognizes a conductor which is used as an antenna would not be required to extend the length of the drill pipe because Chau teaches sending wireless signals which would travel to the conductor used as an antenna.

5. Claims 3,-5, 8, 9, 11-14, 16, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chau as applied to claim 2 above, and further in view of Soulier US 5,394,141 (previously cited in PTO-892).

Considering claims 3, 4 Chau does not specifically recite the length of a plurality of sections of wired drill pipe joined together is a constant ranging from 2,000 to 9,000 feet or 2,000 to 5,000 feet. Soulier teaches electromagnetic waves propagating in the drill pipe can be accomplished up to and including 4,000 meters (see col 3, lines 6-11). Therefore, it would have been obvious to one of ordinary skill in the art the Chau system functionally address this limitation because both system are concern with the transmission of data via a conductor associated with a drill string using electromagnetic waves.

Considering claim 5, Chau does not specifically recite the wire in his drill pipe is embedded into the wall of the drill pipe. Chau discloses the wire of his system maybe external or internal to the drill pipe. One of ordinary skill in the art readily recognizes conductor associated with a drill pipe maybe embedded or attached to a drill pipe. Soulier discloses the wire in his system is embedded into the wall of the drill pipe (see col 5, lines 50-62 and col 6, lines 45-52). Therefore, it would have been obvious to modify the placement of the wire in the Chau system to be embedded in the wall of the drill pipe as taught by Soulier because both systems are concern with the transmission of data via a conductor associated with a drill string using electromagnetic waves.

Considering claims 8,9,12,13,16,17 the limitations of these claims are interpreted and rejected as stated in claims 3 and 4.

Considering claim 11 the limitation of this claim is interpreted and rejected as stated in claim 2.

Considering claim 14 the limitation of this claim is interpreted and rejected as stated in claim 5.

Conclusion

If the claimed invention is amended, Applicant is respectfully requested to indicate the portion(s) of the specification, which dictate(s) the structure/description relied upon to assist the Examiner in proper interpretation of the amended language and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication should be directed to Examiner Timothy Edwards, Jr. at telephone number (571) 272-3067. The examiner can normally be reached on Monday-Thursday, 8:00 a.m.-6:00 p.m. The examiner cannot be reached on Fridays.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman, can be reached at (571) 272-3059.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-4700, Mon-Fri., 8:30 a.m.-5:00 p.m.

Any response to this action should be fax to:

(571) 273-8300 (for formal communications intended for entry).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov> or contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Timothy Edwards, Jr./
Primary Examiner, Art Unit 2612
March 28, 2008